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IN THE

Supreme Court of the United States

OCTOBER TERM, 1949.

No. 400

FIFTH AND WALNUT, INCORPORATED and ALBERT J. HOFFMAN,

Petitioners,

against

LOEW'S INCORPORATED, MARCUS LOEW BOOKING AGENCY, INC., RKO RADIO PICTURES, INC., PARAMOUNT PICTURES INC., TWENTIETH CENTURY-FOX FILM CORPORATION, WARNER BROS. PICTURES DISTRIBUTING CORPORATION, COLUMBIA PICTURES CORPORATION, UNITED ARTISTS CORPORATION, and UNITED ARTISTS THEATRE CIRCUIT, INC.,

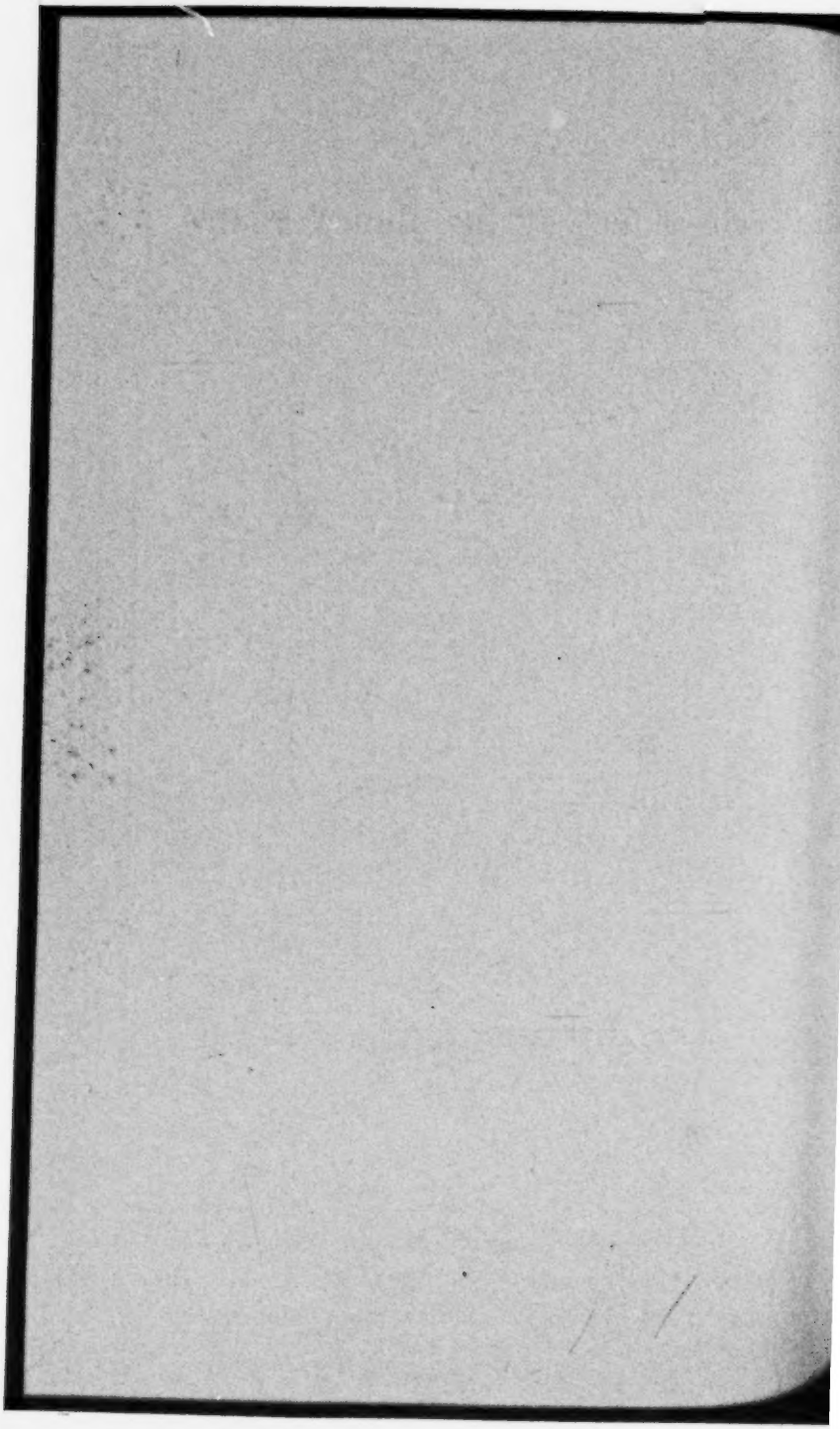
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF FOR THE RESPONDENTS IN OPPOSITION TO PETITION FOR REHEARING

LOUIS D. FROHLICH,
ROBERT W. PERKINS,
EDWARD C. RAFFERY,
JOHN F. CASKEY,
Attorneys for Respondents.

December 30, 1949.



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The petition for rehearing raises no question not previously presented. It only states in abbreviated form the precise ground urged in the original petition which this Court denied. The petition thus is not based upon grounds, substantial or other-

wise, which were available but not previously presented. It falls short of the "substantial grounds" requirement of Rule (33) (2) of this Court for a rehearing. The matter of the private right anti-trust suits and consent decrees was covered in the original petition (Original Petition and Brief, pp. 18, 28, 38).

CONCLUSION

The petition for a rehearing is without merit and should be denied.

Respectfully submitted,

LOUIS D. FROHLICH,
ROBERT W. PERKINS,
EDWARD C. RAFTERY,
JOHN F. CASKEY,
Attorneys for Respondents.

December 30, 1949.